FILED
08 MAY -1 AM 11: 47
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 1372

UNITED STATES OF AMERICA,	Magistrate Case No.
Plaintiff,	
	COMPLAINT FOR VIOLATION OF:
v.	
	Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)
Arturo BELTRAN-Lopez,	Bringing in Illegal Aliens Without Presentation
Defendant(s)	

The undersigned complainant, being duly sworn, states:

On or about **April 29, 2008,** within the Southern District of California, defendant **Arturo BELTRAN-Lopez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Joel HERNANDEZ-Diaz, Roberto MARTINEZ-Salinas, Pepe RAMOS-Ramirez,** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1st DAY OF **MAY 2008**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Arturo BELTRAN-Lopez

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Joel HERNANDEZ-Diaz, Roberto MARTINEZ-Salinas, and Pepe RAMOS-Ramirez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 29, 2008, Border Patrol Agents E. Pepe, Al Urzua and J. Martinez were performing duties in the area of Jacumba, California. This area is approximately 25 miles east of the Tecate, California Port of Entry and immediately north of the United States/Mexico International Border.

Agent Pepe who was operating an infrared scope, observed approximately 15 individuals walking northbound towards Old Highway 80. Agent Pepe directed agents to where the group appeared to be heading. The agents approached the group and identified themselves as Border Patrol Agents and instructed the group to stop. Four individuals stopped while the other eleven continued to run for approximately 50 yards and hid in some bushes. Agent Pepe directed Agents to the area where the he had last seen the rest of the group. Agents Martinez and Urzua discovered seven more individuals hiding. Agent Pepe then directed Agent Urzua to another location where two individuals were hiding amongst some rocks. Agent Urzua apprehended both individuals, one whom was later identified as the defendant Arturo BELTRAN-Lopez. Two unidentified individuals from the group were able to flee.

Agents Martinez and Urzua questioned all 13 individuals as to their citizenship; all subjects stated that they were citizens and nationals of Mexico without any immigration documents allowing them to be or remain in the United States legally. At approximately 9:45 p.m., all 13 individuals were arrested and transported to the Boulevard Border Patrol Station for processing.

DEFENDANT'S STATEMENT:

The defendant was advised of his Miranda Rights, which he stated he understood and was willing to answer questions without having an attorney present. The defendant freely admitted to being a citizen and national of Mexico without having any immigration documents allowing him to be or remain in the United States legally. The defendant stated he helped the group cross by carrying their water and food and that he was going to get paid $300.00 dollars.

MATERIAL WITNESSES STATEMENTS:

Material witnesses, **Joel HERNANDEZ-Diaz, Roberto MARTINEZ-Salinas, and Pepe RAMOS-Ramirez** admitted to being citizens and nationals of Mexico without having documents allowing them to be or remain in the United States legally. They stated that they made arrangements to be smuggled in Mexico and were to pay $1800.00 to $2500.00 for being smuggled to various places in California.

All three material witness identify defendant, Arturo BELTRAN-Lopez as the foot-guide from a photo-lineup.